

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TYLER ZANDERS, KAYE HORINEK, and
ROBERT NICHOLS on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC.,

Defendant.

No. C11-00494-RSL

DECLARATION OF DANIEL H.
ROYALTY IN SUPPORT OF MOTION
TO VACATE INITIAL SCHEDULING
DATES AND STAY DISCOVERY

I, Daniel H. Royalty, declare as follows:

1. I am an attorney at K&L Gates, LLP, counsel for Amazon.com, Inc.
("Amazon") in the above captioned dispute.
2. Amazon intends to file a motion to dismiss all of plaintiffs' claims on or before the stipulated deadline to respond of May 13, 2011.
3. I have discussed with counsel for the plaintiffs in this matter Amazon's view that it would be premature to engage in a FRCP 26(f) status conference, initial disclosures, and the joint status report before the Court has an opportunity to consider Amazon's motion to dismiss. I asked counsel for plaintiffs to join in a motion seeking to continue the dates contained in the initial scheduling order until the Court can consider Amazon's motion to dismiss, but counsel for plaintiffs declined.
4. Amazon's Motion cites to an order that is referenced in this Court's opinion in *Malone v. Nuber*, No. C07-2046RSL, 2009 WL 36858 (W.D. Wash. Jan. 5, 2009). A true and

ROYALTY DECL. - 1

No. C11-00494 RSL

K:\2040741\00273\20361_DHR\20361P22LK

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 correct copy of that order – the Order Denying Motion for Relief from Discovery Stay – is
2 attached hereto as **Exhibit A**.

3 I declare under penalty of perjury that the foregoing is true and correct:

4 EXECUTED this 7th day of April, 2011, at Seattle, Washington.

5 /s/ Daniel H. Royalty
6 Daniel H. Royalty
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26